

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ALEX SHVEYKOVSKY and
ELENA FEDOROVA

Plaintiffs,

v.

Civil Action: 5:07-CV-5

WHEELING JESUIT UNIVERSITY, INC.,
ET AL.,

Defendants.

**ORDER GRANTING PLAINTIFFS' PRIVACY ACT MOTION AND
DIRECTING FBI TO RELEASE DOCUMENTS**

In June 2007, Plaintiffs served upon the Federal Bureau of Investigation, ["FBI"], subpoenas requesting production of all documents in the FBI's possession pertaining to Plaintiffs. By letter dated December 3, 2007, the FBI notified Plaintiffs it possessed the requested documents.

On January 28, 2008, Plaintiffs filed a Privacy Act Motion¹ requesting the Court order the FBI to release all documents in its possession pertaining to Plaintiffs and Defendants. At the evidentiary hearing and argument on February 19, 2008, the FBI, through the United States Attorney for the Northern District of West Virginia, responded it did not object to Plaintiffs' request for an Order and requested the Order include specific conditions. Counsel for Defendants stated Defendants deferred to the position of the FBI and the United States Government (as through the United States Attorney) on Plaintiffs' Motion.

Pursuant to 5 U.S.C. §§ 552a(b), (b)(11), Plaintiffs may obtain from the FBI documents

¹ Docket No. 46

pertaining to themselves upon Plaintiffs' written request, written consent, or a Court Order.

Accordingly, it is **ORDERED** the FBI disclose to Plaintiffs all documents pertaining to Plaintiffs and Defendants. The Order is subject to the following conditions:

- 1) Access to the FBI records is limited to the parties, counsel for the parties, witnesses, and counsel for witnesses in the present action.
- 2) No person having access to FBI records will disclose them to any other person without further order of the Court.
- 3) All released FBI records shall be afforded appropriate security.
- 4) All FBI records will be returned to the FBI within 30 days of a final judgment or voluntary dismissal.

Any party may, within ten (10) days of the date of this Order, file with the Clerk of the Court written objections identifying the portions of the Order to which objection is made, and the basis for such objection. A copy of such objections should also be submitted to the District Court Judge of Record. Failure to timely file objections to the Order set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Order.

Filing of objections does not stay this order.

The Clerk of the Court is directed to mail a copy of this Order to counsel of record.

IT IS SO ORDERED.

DATED: February 25, 2008

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE